

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION
VENUE: SAN FRANCISCO

~~CR 07~~ ~~0473~~

PJH

UNITED STATES OF AMERICA,

v.

DONALD CLYBURN,

FILED

JUL 20 2007

DEFENDANT.

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

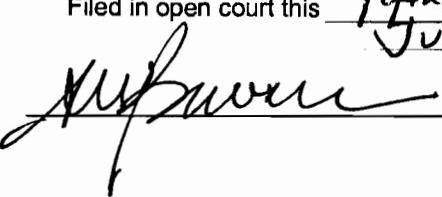
INDICTMENT

18 U.S.C. § 2252(a)(4)(B) - Possession of Child
Pornography

A true bill.

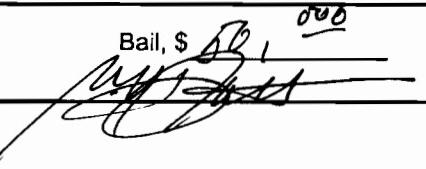

Foreman

Filed in open court this 19th day of

 July, 2007

Clerk

Bail, \$ ~~631~~ ⁰⁰⁰

 7/19/07.

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 2252(a)(4)(B) -
Possession of Child Pornography

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

10 years imprisonment; \$250,000 fine; up to lifetime supervised release; \$100 special assessment

CR**PROCEEDING**

Name of Complainant Agency, or Person (&Title, if any)

IMMIGRATION AND CUSTOMS INFORCEMENT

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprocution of charges previously dismissed
 which were dismissed on motion of:

U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

3:07-70167 JCS

Name and Office of Person Furnishing Information on THIS FORM

SCOTT N. SCHOOLS

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y
(if assigned)

MICHELLE MORGAN-KELLY, AUSA

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

FILED

DEFENDANT - U.S. JUL 20 2007

DONALD CLYBURN RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
DISTRICT COURT NUMBER NORTHERN DISTRICT OF CALIFORNIA

PJH**07 0473****DEFENDANT****IS NOT IN CUSTODY**

- 1) Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 5) On another conviction
 6) Awaiting trial on other charges } Fed'l State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST } Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

SUMMONS NO PROCESS* WARRANT Bail Amount: NO BAIL

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

1 SCOTT N. SCHOOLS (SCBN 9990)
2 United States Attorney

FILED

JUL 20 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

10
11 UNITED STATES OF AMERICA CR) 07 - 0473 PJH
12 Plaintiff,)
13 v.)
14 DONALD CLYBURN,)
15 Defendant.)
16 _____)

INDICTMENT

17 The Grand Jury charges:

18 COUNT ONE: (18 U.S.C. § 2252(a)(4)(B))

19 Between on or about January 6, 2005, and on or about April 7, 2005, in the Northern
20 District of California, the defendant,

21 DONALD CLYBURN,

22 did knowingly possess one or more matters which contained one or more visual depictions that
23 had been shipped and transported in interstate or foreign commerce, by any means including by
24 computer, and that were produced using materials that had been so shipped and transported in
25 interstate and foreign commerce, where the producing of such visual depictions, as he well knew,
26 involved the use of a minor engaging in sexually explicit conduct and such visual depictions
27 were of such conduct, in violation of Title 18, United States Code, Section 2252(a)(4)(B).

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INDICTMENT

1 FORFEITURE ALLEGATION: (18 U.S.C. §§ 2253(a)(1) and (a)(3) - Criminal Forfeiture)

2 Upon conviction of the offense alleged in Count One, the defendant,

3 DONALD CLYBURN,

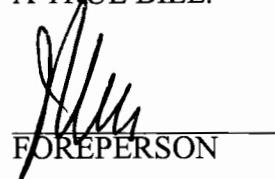
4 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 2253(a)(1)
5 and (a)(3), all visual depictions described in Title 18, United States Code Section 2252, and all
6 property, real or personal, used or intended to be used to commit or promote the commission of
7 the offenses of conviction, including but not limited to the following items that were seized from
8 defendant on December 7, 2006:

- 9 a. One Gateway laptop computer containing a 30 gigabyte hard drive, serial number
10 81RB1679T 242 EC.A.
11 b. One compact disk.

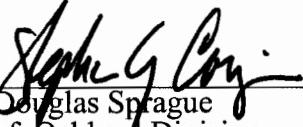
12 DATED:

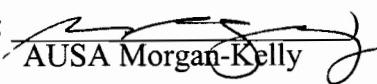
13 *July 19, 2007*

A TRUE BILL.


FOREPERSON

15 SCOTT N. SCHOOLS
United States Attorney

17 
18 W. Douglas Sprague
Chief, Oakland Division

19 (Approved as to form:
20 
AUSA Morgan-Kelly

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INDICTMENT